

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.8306 of 2014

P.Lakshmanan

...Petitioner

-Vs-

1.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2.The Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.

3.The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kancheepuram,
Kancheepuram District.
(Crime No.589 of 2013)

4.The Inspector of Police,
CBCID, Special Wing,
Kancheepuram District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent herein to transfer the investigation in Cr.No.589 of 2013 on the file of the third respondent to the fourth respondent agency or any other special agency for the investigation and to alter the F.I.R in accordance with law.

For Petitioner : Mr.B.Singaravelu

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.589 of 2013, pending on the file of the third respondent.

2.The learned counsel for the petitioner would submit that the petitioner's daughter died under suspicious circumstances and based on the complaint given by the petitioner, an F.I.R. was registered under Section 174 of Cr.P.C. The learned counsel would submit that no one was examined in this case and the respondent police proceeded to close the case. The learned counsel would further submit that only the husband and the wife were present in the house and the wife is said to have committed suicide by hanging in the fan. The learned counsel would further submit that the deceased person was weighing more than 90 Kg and it was not possible for her, to have committed suicide as projected by the prosecution. Therefore, the learned counsel impressed upon by this Court to transfer the investigation to some other agency.

3.The learned Additional Public Prosecutor on instructions would submit that the closure report in this case was filed on 02.04.2014 before the Tahsildar, Kancheepuram.

4.This Court of the considered view that the entire investigation has not been properly conducted in this case. The F.I.R. has been registered under Section 174 of Cr.P.C. Therefore, the procedure as contemplated under Section 174 of Cr.P.C. ought to have been followed. The very fact that the closure report has been filed on 02.04.2014 before the Tahsildar, Kancheepuram, itself shows that the entire investigation has been conducted in a slipshod manner.

5.This Court had an occasion to deal with the scope of Section 174 of Cr.P.C. and detailed guidelines were given by this Court in the case of Manohari Versus The District Superintendent of Police, Sivagangai District and others reported in (2018) 2 LW (Cr1.) 522. None of the guidelines were followed in the present case. Therefore, the case requires a fresh investigation.

6.The third respondent is directed to conduct fresh investigation in this case and the same shall be monitored by the Superintendent of Police, Kancheepuram. All the witnesses in the case shall be examined and if in case, any offence is made out, action has to be taken against the concerned accused persons. It is made clear that the Investigation Officer shall strictly follow the guidelines given by this Court in the judgment referred supra and shall complete the investigation as

expeditiously as possible. The entire investigation should be done under the close monitoring of the Superintendent of Police, Kancheepuram.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

vsa/LPP

To

- 1.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 2.The Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 3.The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kancheepuram,
Kancheepuram District.
- 4.The Inspector of Police,
CBCID, Special Wing,
Kancheepuram District.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Singara Velu, Advocate SR.No.83525

Cr1.O.P.No.8306 of 2014

GMV (12/12/2018)